

Exhibit 70

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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8

KEILEE FANT, ROELIF)

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CARTER, ALLISON NELSON,)

HERBERT NELSON, JR.,)

10

ALFRED MORRIS, ANTHONY)

KIMBLE, DONYALE THOMAS,)No. 4:15-cv-253

11

SHAMEIKA MORRIS, DANIEL)

JENKINS, RONNIE TUCKER,)

12

TONYA DEBERRY, ET AL.,)

)

13

Plaintiffs,)

)

14

vs.)

)

15

THE CITY OF FERGUSON,)

)

16

Defendant.)

17

18

VIDEOTAPED DEPOSITION OF KEILEE J. FANT

19

CONFIDENTIAL

TAKEN ON BEHALF OF THE DEFENDANT

20

MARCH 3, 2017

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REPORTED BY: CARRIE A. CAMPBELL, RDR, CRR, CSR, CCR

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25

1 else?

2 A. No, I have not.

3 Q. Have you gone by any other name other than
4 Keilee?

5 A. No. I mean, Keilee J. Fant, that's my born
6 name.

7 I go by Lee-Lee, that's a nickname of mine.

8 Q. Okay. And that's right, I was asking for a
9 nickname, so that's an answer for Lee-Lee.

10 A. Uh-huh.

11 Q. Anything else?

12 A. That's pretty much the name.

13 Q. And how many children do you have?

14 A. I have nine.

15 Q. Okay. I think I have --

16 MR. PLUNKERT: Do you have any problem if I
17 just show the names?

18 MR. VOSS: That's fine.

19 QUESTIONS BY MR. PLUNKERT:

20 Q. You have [REDACTED]?

21 A. [REDACTED].

22 Q. [REDACTED]?

23 A. Yes.

24 Q. [REDACTED]?

25 A. Yes.

1 Q. [REDACTED]?

2 A. [REDACTED].

3 Q. I am sorry, Sania. Thank you.

4 [REDACTED]?

5 A. [REDACTED].

6 Q. [REDACTED].

7 How do you spell [REDACTED]?

8 A. [REDACTED].

9 Q. I had that misspelled.

10 [REDACTED]?

11 A. [REDACTED].

12 Q. [REDACTED] --

13 A. -- [REDACTED].

14 Q. Okay.

15 A. [REDACTED].

16 Q. Okay. [REDACTED]?

17 A. Uh-huh.

18 [REDACTED].

19 Q. [REDACTED], I recognize the last name.

20 A. Yes.

21 Q. There's another plaintiff in this case with
22 the last name [REDACTED].

23 A. Yes.

24 Q. Is it Anthony?

25 A. Yes.

1 Q. And what is the relationship between Anthony
2 and you?

3 A. [REDACTED], they're our twins.

4 Q. Okay.

5 A. Twin boys.

6 Q. Okay. So you had a romantic relationship
7 with the plaintiff Anthony Kimble?

8 A. Yes. We were in a relationship.

9 Q. And how long was that?

10 A. It went for about maybe, what, two and a
11 half, three years.

12 Q. And when --

13 A. Did it end?

14 Q. Sure. Or begin. Sure.

15 When was that two and a half, three years?

16 A. I started dating Anthony -- the twins were
17 born in [REDACTED]. I started dating Anthony late of 2007,
18 because [REDACTED] -- my son [REDACTED] was two months old.
19 And it ended in 2011. About maybe three, four months
20 after my mother passed away in June of 2011, we
21 separated.

22 Q. And what was the reason for your separation?

23 A. Just difference -- differences. He was
24 older. Just different, you know. But we separated on
25 good terms.

Confidential - Keilee J. Fant

1 Q. Okay. So how old are the twins now?

2 A. The twins --

3 Q. Yes.

4 A. -- just turned [REDACTED].

5 It's 2017 now.

6 Q. And are your parents alive?

7 A. Both are deceased.

8 Q. Okay. I'm sorry to hear that.

9 Let me ask you -- I'm still asking some
10 background questions about you to get to know you a
11 little bit. I want to move to education.

12 You attended high school?

13 A. Yes, I did.

14 Q. Where did you go?

15 A. I went to Berkeley Senior High, and I also
16 went to McClure Senior High through
17 Ferguson/Florissant School District.

18 Q. Okay. And did you receive a diploma?

19 A. No, I did not.

20 Q. Did you drop out at some point?

21 A. Yes, I dropped out my junior year. I was
22 pregnant with my son [REDACTED].

23 Q. Okay. Junior year.

24 And let's see. That would have been at
25 1993?

1 A. That's '90 what?

2 '94.

3 Q. Okay.

4 A. Yeah, '94.

5 Q. And did you ever get your GED or try to
6 complete your education for high school?

7 A. What I did was I had entered the GED program,
8 it was like an alternative school, and I went to
9 school for alternative school and they gave me North
10 County Technical School's phone number, adult
11 education classes. So I went through their program,
12 and I received my certification.

13 Q. So you get your GED?

14 A. No, I didn't get my GED. They referred me to
15 North County Tech -- Technical School --

16 Q. Okay.

17 A. -- for adult, I guess, educational classes
18 like with -- what do you call them? -- trades. And I
19 took up the certification program.

20 Q. What were you certified in?

21 A. Certified nurse's assistant.

22 Q. Okay.

23 A. And I got my certified nurse's assistant in
24 '99. And I got 100 percent on the test, so I got an
25 automatic referral to go get my certification in

1 certified med tech. And, you know, that's only
2 qualified with a GED or a diploma, but since I got a
3 referral by scoring 100 percent on the test, I went on
4 to pass meds.

5 And when I went to pass the meds, I got
6 referred to another program, and that was to do the
7 nasogastric tubes, insulin certification, and do all
8 of that. And that was downtown through a program
9 called Buttons and Bows, and I got those
10 certifications as well; so here I am.

11 Q. That's right.

12 So you entered to get your GED, and what you
13 ended up getting instead was a certification in CNA --

14 A. Yes.

15 Q. -- and then your meds?

16 A. Yes.

17 Q. And then that last certification, what was
18 that called?

19 A. Insulin certification and nasogastric tubing,
20 where I can put that all in, that stuff.

21 Q. So did you ever go back to complete the GED?

22 A. No, I did not. I did not. I was tied up
23 having babies.

24 Q. Sure. That's right. That's right.

25 And so I assume then you went into the

1 medical field --

2 A. Yes.

3 Q. -- as a CNA?

4 A. Yes. Yes.

5 Q. And did you get any -- before I move on, are
6 there any other certificates that you have not
7 mentioned to me yet that you have?

8 A. No. Those are the main ones.

9 Q. Okay. All in the medical --

10 A. Medical field, yes, sir.

11 Q. Okay. And you have acted as a CNA at New
12 Beginnings Health Care, right?

13 A. Yes.

14 Q. Also at St. Louis Place?

15 A. Yes.

16 Q. Delmar Gardens?

17 A. Yes.

18 Q. University Forest Manor?

19 A. Yes.

20 Q. Okay.

21 A. All over the world.

22 Q. And did I miss any?

23 A. Yes, you missed plenty.

24 Q. Oh, did I?

25 A. Yes, you did.

1 Q. I know we're estimating, but that's -- we're
2 just trying to get a good idea of -- I'm trying to get
3 a good idea of how much you were making.

4 So from 2011 -- 2010 to 2011, roughly, you
5 were making -- you have \$408 from your job; you were
6 making \$300 a month from Alfonso Kent; \$432 a month
7 from Anthony Kimble; and \$109 per month from James
8 Brown; is that right?

9 A. Yes.

10 Q. And is there any other source of income at
11 all that you had?

12 A. No.

13 Q. Did you ever perform any kind of chores or
14 any side jobs for friends, like cleaning or anything
15 that you got cash?

16 A. Oh, yeah. Yeah.

17 Q. Okay. What do you do?

18 A. I could go clean or babysit. I had -- I
19 didn't meet -- I hadn't met Jerry yet. I met Jerry
20 in, what, January of -- I'm going to say, what, that
21 was 2011 that my mother passed away -- 2012.

22 I met -- actually, I met Jerry while I was
23 on Glengarry, but it wasn't like up close and
24 personal. Jerome Schwartz. You know, I'm speaking of
25 Jerry, my friend, who I did odd jobs for and, you

1 I started FedEx in November -- okay. This
2 is how I remember.

3 I was locked up October the 2nd of 2000 --
4 if I'm not mistaken, that was 2014. And I got out --

5 Q. Locked up October 2nd of 2014?

6 A. Yes.

7 Q. Okay.

8 A. And I got out, like, right a couple days
9 before it was -- I was locked up for, like, three
10 weeks or more.

11 Q. By whom?

12 A. The County, Ferguson, bouncing around. Just
13 traffic violations.

14 And when I got out, the day I got out, I
15 walked in the door, my sister handed me the phone, and
16 it was FedEx telling me to come in for my interview
17 and everything. So I know I started FedEx, like,
18 November the 2nd or the 3rd of 2014, somewhere in
19 there, yeah.

20 Q. While you're saying that, I'm shuffling
21 through to see if I can find the dates that you were
22 in jail at least with the City of Ferguson.

23 Was Ferguson one of those?

24 A. That I went to?

25 Q. Yes.

1 A. Yes.

2 Q. I show October 13th to 16th, 2013.

3 You know, I can mark --

4 A. Yeah.

5 Q. -- as an exhibit and then -- just to see if
6 it refreshes your recollection as to some of these
7 dates to try and help.

8 (Fant Exhibit 50 marked for
9 identification.)

10 QUESTIONS BY MR. PLUNKERT:

11 Q. And because -- we're trying, right?

12 A. Yeah.

13 Q. So I'm going to hand you --

14 A. No, I'm just laughing. The reason why I'm
15 laughing is because that's -- that's all the dates
16 that you have for me in Ferguson? Just all that
17 paperwork with my picture and stuff?

18 Q. Exhibit 50, the answer is yes. Exhibit 50 is
19 a 13-page REJIS printout with 11 selected details of
20 incarceration at the City of Ferguson.

21 A. Yeah.

22 Q. And here you go. It's Bates stamped
23 beginning 22149.

24 Is it -- let me ask you this first: Is it
25 true that your memory is a little bit uncertain as to

1 QUESTIONS BY MR. PLUNKERT:

2 Q. And they're all in the 2000s, which is why
3 we're kind of moving through them.

4 The Selected Detail 6 on page 6 of 13 is
5 2013, another Excel one, so we can keep going to 7.

6 A. Uh-huh.

7 MR. VOSS: So you said 2003, right? Not
8 2013.

9 MR. PLUNKERT: I'm sorry. It's 2003. I'm
10 sorry.

11 QUESTIONS BY MR. PLUNKERT:

12 Q. Selected Detail 7, 2005. Let's skip that.
13 Sooner or later we're going to get to our time frame.

14 8 is 2009. We can skip that.

15 Selected Detail 9. Here we go.

16 So we have -- if you see here on Selected
17 Detail 9, which is page 9 of 13 of Exhibit 50, you
18 have -- you were arrested by Officer Kaminski on July
19 16th of 2010 --

20 A. Yes.

21 Q. -- at the Jennings police -- I am sorry.

22 You weren't arrested. You were probably
23 picked up by Kaminski from Jennings Police Department.

24 A. Yes.

25 Q. Okay. Is that -- do you remember being --

1 A. I remember, yes.

2 Q. Okay.

3 A. I remember this day we got locked up. I
4 totally remember.

5 Q. Okay. What was the original arrest for?

6 A. The original arrest for was me and Anthony,
7 we were feuding.

8 Q. Okay.

9 A. And they came and they locked us both up.

10 Q. So a domestic dispute?

11 A. Yes, a domestic dispute.

12 Q. Okay.

13 A. But we both had warrants.

14 Q. And I think, you know, if you look -- you
15 agree if you see down there, it says "charges."

16 You agree with me that you had a warrant out
17 of Normandy at that time, right?

18 A. I had a warrant out of everywhere at that
19 time.

20 Q. Okay. And that included Beverly Hills and
21 Normandy?

22 A. Normandy, Beverly Hills, anywhere here in
23 St. Louis City.

24 Q. Yeah.

25 If you go to the next page, it also shows

1 What cars have you owned?

2 MR. VOSS: Just from 2010 to the present.

3 THE WITNESS: From 2010 to the present, I
4 have -- let me go back to '08 -- I'm just going to go
5 back to '08 and remember from there.

6 QUESTIONS BY MR. PLUNKERT:

7 Q. If that helps, sure.

8 A. Yeah, '08 Anthony got me the van. After
9 that, I moved in there --

10 Q. Did Anthony buy you a car?

11 A. Yeah, but that was before -- before 2010.
12 That was like in '08 right after I had the twins.

13 In 2010 I know I had bought a wagon. It was
14 a -- I think it was a Toyota wagon.

15 After that --

16 Q. How much was that car?

17 A. That car was I'm going to say about, what,
18 4,500, something like that or whatever. I had it from
19 O-K Junk. I didn't pay for it. I didn't finish
20 paying for it either. It was repoed.

21 Q. From you?

22 A. Repoed from me.

23 Q. So you were making monthly payments?

24 A. Yes.

25 Q. And how much were the monthly payments?

1 A. Monthly payments was, like, 200 a month. 150
2 or 200. Usually I won't go no further than 200 a
3 month.

4 Q. Okay. And so I guess the next car?

5 A. After that, recall I moved from there with
6 Anthony to over there on Glengarry.

7 When I got to Glengarry, I had a Suburban, a
8 '95 or '96 red Suburban.

9 I've also had a Yukon.

10 I also have had --

11 Q. What year was the Yukon?

12 A. The Yukon was, like, a 2003 or '4, somewhere
13 in there.

14 Q. And Suburban and Yukon, those are those big
15 SUVs, right?

16 A. Yes, big SUVs.

17 Q. How much did you pay for the Suburban?

18 A. I didn't pay. I didn't pay for the Suburban.
19 I didn't even put down on the Suburban.

20 Q. Did someone gift it to you?

21 A. Anthony gave me some money on the Suburban.
22 He also gave me some money on the Yukon.

23 As a matter of fact, no. That was the
24 Suburban he gave me money on. With the Yukon, I put
25 down, like, 2 or \$3,000 or whatever, and that money,

1 double shift Saturday, a single shift on Sunday.

2 Q. What was your reason for leaving?

3 A. Messy. It was a messy place. When I came
4 in, they did not have a DON, and the DON that had just
5 left -- State had walked in the building and -- it was
6 like my third or fourth day, State walked in the
7 building. It was a lot going on. I was supposed to
8 be oriented. Just messy.

9 Q. Okay.

10 A. Too messy to play with my license.

11 Q. You were there for about two months.

12 Do you remember which two months of 2016?

13 A. I know it was summer months.

14 Q. Okay.

15 A. I'm going to say spring months. Let me
16 think. My brother and sister worked there, too. I'm
17 trying to think. It may have been -- I'm not sure.
18 Don't quote me. It may have been May or June or June
19 and July. Summer months. Somewhere in there. I know
20 it was spring -- springtime. It was really hot. I
21 remember that.

22 Q. Do you remember where you worked before then?

23 A. Before St. Louis?

24 Main source would have been working for

25 Jerry. You know, Jerry was a property manager. He

1 would go and do maintenance jobs, do heating and
2 cooling jobs, putting in a new air conditioning unit
3 or pulling one out, putting in whole furnaces,
4 painting, whatever, you know, he had to do to a home
5 or whatever. And I would go with him.

6 Q. And how many hours a week was that?

7 A. I will say he might come and get me at 9 or
8 10, and I would be back home by 3 with my kids.

9 Q. Five days a week?

10 A. Pretty much, for a minute, yeah.

11 Q. So about six hours a day?

12 A. Uh-huh.

13 Q. So about roughly 30 hours a week?

14 A. Yeah, I will say 30 hours a week.

15 Q. And how much were you paid?

16 A. He would pay me, like, 40 bucks a day.

17 Q. And was that cash?

18 A. Yes.

19 Q. And when was that time period that you did
20 that with Jerry?

21 A. I'll say -- I moved in [REDACTED] in January.
22 I'm going to say -- I've been doing that with Jerry
23 all the way from -- I moved in [REDACTED] in, what,
24 February -- if I'm not mistaken, it was February 15th
25 when I moved into [REDACTED] February 15th of 2000 --

1 that would be, what, '12, yeah, because it was right
2 after my mother passed away.

3 We'll go a year from there. Because the
4 first year Jerry pretty much came, collected rent. He
5 would take me to the food pantry sometimes. So I will
6 say a year from that. I'm going to say up close and
7 personal about since February or March of 2013.

8 Q. Where can we find -- does he keep record --
9 what's his address now?

10 A. Jerry?

11 Q. Yeah.

12 A. He lives in [REDACTED], senior citizen.

13 It's a [REDACTED]. They
14 just built it. If I'm not mistaken, I think it's
15 [REDACTED], [REDACTED].

16 Q. So is he elderly?

17 A. Yeah, he's elderly. He's always been
18 elderly. Jerry's -- he just turned 63 years old. But
19 he's a good friend. And he get forgetful at times,
20 and he's always helped me, so I always try to help him
21 or whatever. So he if needed me, like, to go to
22 doctor's appointments or take him -- he's had, like,
23 three different heart procedures done this year. I
24 was there for him with that.

25 Q. Okay.

1 Q. You're not on any medication right now, are
2 you?

3 A. No.

4 Q. And you weren't then, were you?

5 A. No.

6 Q. Then if you go to Selected Detail 10, the
7 next page on 50, page 10 of 13, you agree that you
8 were -- you can flip to the next page, too, it will
9 have a continuation.

10 You agree that you were booked at -- on
11 October 2000 -- sorry -- October 13, 2013, at
12 12:19 p.m.?

13 You agree with that?

14 If you -- page 11 of 13.

15 A. This is 10. Okay.

16 Q. And I'll start over so you can follow with
17 me.

18 A. Okay.

19 Q. Do you agree that you were booked on
20 October 13, 2013, at 12:19 p.m.?

21 A. "Booked" as in coming into Ferguson?

22 Q. Right, as opposed to arrested. Like you were
23 in the jail where they took your pedigree information
24 and transferred you to a cell.

25 A. Yes. I will say that.

1 provides for a court date that you're to show up at
2 the City of Ferguson?

3 A. Yes.

4 Q. And what particularly on Exhibit 52 were you
5 advised the court date was for your pending charges?

6 A. Excuse me?

7 Q. Yeah.

8 What's the court date that they told you you
9 had?

10 A. 9 -- I guess, yeah, 9/28 of 2010.

11 Q. Okay. And at what time?

12 A. 10 a.m.

13 Q. And did you show up for court at that time?

14 A. Probably not.

15 Q. Do you remember why not?

16 A. Probably scared to death, especially at a.m.,
17 because I've been locked up in Ferguson during a.m.
18 hours.

19 Q. Go ahead.

20 A. Yeah.

21 Q. Have you ever -- you've never been arrested
22 while you were in court in Ferguson?

23 A. Yes. Yes.

24 Q. When was that?

25 A. This was probably before 2010.

1 Q. Okay.

2 A. Going forward or whatever.

3 Q. Okay.

4 A. But at least two times I went to court, and I
5 know one I gave money and -- I just got paid and gave
6 money, and I had warrants somewhere else. And right
7 after I paid the court clerk, I was on my way out the
8 door, I got told to step to the side in the room in
9 Ferguson, and they told me I was under arrest because
10 I had a pending warrant for somebody else.

11 Q. A lot of these tickets that you've received
12 were for driving while suspended.

13 Did you ever -- in 2010 to the present, did
14 you ever try to reinstate your license?

15 A. I'm not going to say I didn't, no. I'm not
16 going to say I did when I didn't. No, I didn't.

17 Q. Okay. Do you know why you didn't?

18 A. Because I did not have the money. I didn't
19 have the sufficient funds or whatever. Because I
20 already knew going through -- I have to go through an
21 insurance company if, you know, I wanted my license
22 back. I had to show proof that I, you know, had
23 pending insurance and able to do, I guess, an SR-22.

24 What I did try to do was speak with the
25 judge about maybe being eligible for a hardship

1 Q. What we then have is your court date that was
2 put on to Exhibit 53.

3 And what was that date?

4 A. 11/19/2013.

5 Q. And did you show up at court that day?

6 A. Probably not.

7 Q. And do you know why?

8 A. The same old, same old. If I go, I might get
9 locked up while in jail, you know. I had like, what,
10 14 -- like you say, 14 charges and a lot of the
11 charges being failure to appears. Oh, my goodness.
12 Just, I mean --

13 Q. Did you have an attorney?

14 A. No. And the judge repeatedly told me, "You
15 need an attorney."

16 "I can't afford an attorney."

17 "Well, you need to go find an attorney."

18 Q. The judge said that to you?

19 A. Yeah.

20 Q. When was that?

21 A. When I did go to court in --

22 Q. That was before 2010, right?

23 A. No. It was after 2010 because I made a
24 thousand dollar bond.

25 Q. You made a thousand dollar bond on

1 February 9th of -- February 10th of 2014?

2 A. On '14, yes.

3 Q. Okay. So --

4 A. When I went to court there, I tried to speak
5 with the judge --

6 Q. Okay.

7 A. -- you know. I even offered to talk to the
8 prosecuting attorney about community service, about
9 time served, something that I could do other than come
10 out of money, because, you know, being repeatedly
11 locked up wasn't getting it with me. And a lot of the
12 charges are added up, and like you say, statute of
13 limitation or whatever, you know, is like statute of
14 limitation, I spent 50-some days or more in the jail,
15 but at the same token, okay, it's the statute of
16 limitation for that, but it's not a statute of
17 limitation of them holding me that long and steady
18 holding these charges or whatever.

19 Q. I'm not sure I understand what you meant.

20 A. What I meant is I've been locked up
21 repeatedly. We're focusing on from 2010 to 2015.

22 Q. Yes, we are.

23 No, to the present.

24 A. Yeah, to the present, right now.

25 And we focusing on certain dates that I was

1 You remember being arrested -- it's the very
2 last entry on Exhibit 50.

3 You remember being booked at 9:15 p.m. on
4 February 9, 2014?

5 A. I'm trying to see --

6 Q. Exhibit 50.

7 A. Okay. Last one. It's the last page.

8 Q. Yes. The last two pages.

9 MR. VOSS: The last two pages.

10 THE WITNESS: Okay.

11 QUESTIONS BY MR. PLUNKERT:

12 Q. And I'll go ahead and ask it just one more
13 time.

14 You agree you were booked on February 9th of
15 2014, at 9:13 p.m.?

16 A. Yes.

17 Q. Okay. You agree that you were released on
18 February 10th of 2014, at 12:14 a.m. for paying a
19 thousand dollar bond?

20 A. Uh-huh.

21 Q. Is that a "yes"?

22 A. Yes.

23 Q. And how did you come up with a thousand
24 dollars?

25 A. My sister and her boyfriend had got their

1 the late '90s or the early 2000s, right?

2 A. Yeah.

3 Q. Okay.

4 A. But it sticks. It sticks. All the time that
5 I done for the City of Ferguson, it should have been
6 done and gone and over with. I should at least got
7 time served or something. It shouldn't have been
8 steady getting added on to or whatever, like I said.

9 Q. Do you agree you've never been sentenced in
10 the last seven years by the judge in the City of
11 Ferguson, correct?

12 A. No.

13 Q. Not correct?

14 A. No, correct.

15 Q. Okay. Okay.

16 A. Correct. I haven't been sentenced. He
17 wouldn't sentence me. He wouldn't -- I'm asking. "We
18 don't do time served."

19 Q. You asked him to sentence you to time?

20 A. Yeah, I asked him. I said "time served."

21 I've asked him that before.

22 Q. And the judge said, "No, I'm not going to
23 sentence you to jail"?

24 A. He said, "No, I'm not going to -- we don't do
25 time served," is what he told me.

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1 Q. Okay.

2 A. "No time served. I want my money."

3 Q. Okay. You agree with me that you spent
4 only -- well, you spent three hours and one minute in
5 the City of Ferguson jail in February of 2014 before
6 you were released on your \$1,000, right?

7 A. Uh-huh.

8 Q. Is that a "yes"?

9 A. Yes. Yes, sir.

10 Q. And what were the conditions like in there?
11 It was three hours so --

12 A. Three hours. Same old, same old. But I know
13 the conditions was -- he knew I had a thousand dollars
14 coming, so he hurried up and made that deal work or
15 whatever.

16 Q. Who is "he"?

17 A. The CO or whatever. He was like, "Can you
18 come up with any bond money?" or whatever, when I
19 first hit -- when he was booking me and writing out
20 paperwork and everything.

21 And I said, "Well, let me call and see."

22 Q. Okay.

23 A. And I called my sister, and my sister was
24 like, "Well, Anthony said that you got a text, you
25 know, on your phone stating that, you know, everything

1 was accepted," and I guess showed a date of my income
2 tax check or whatever.

3 And I was like, "I want to get out of jail."

4 Because he said that my bond was like -- it
5 was almost I think 18 or 2 grand, something like that
6 or whatever.

7 And he was like, "Can you get any type of
8 bond money?"

9 And I was like, "If I can get a thousand
10 dollars."

11 And he was like, "You can get a thousand
12 dollars?"

13 And I was like, "Let me call and see."

14 He said, "Yeah, hurry up and call," you
15 know.

16 And I called, asked about the money.

17 And he was like, "Are you sure?"

18 I was like, "Yeah."

19 He was like, "You know if she don't come
20 with the thousand dollars right now, the deal is off,"
21 you know. Negotiating, bargaining --

22 Q. What was your bond?

23 A. -- or whatever. It was like 1,800. It was
24 well over a thousand dollars.

25 Q. So they accepted less than your total bond?

1 A. Yes.

2 Q. Do you have any complaints about that?

3 A. I mean, of course not. I wanted to get home
4 to my kids. I have been, you know, locked up.

5 Q. And I noticed that you were picked up from
6 Jennings.

7 Do you remember that, too?

8 A. Uh-huh.

9 Q. Is that a "yes"?

10 A. Yes.

11 Q. You agree that the charge that you had in
12 Ferguson was failure to appear?

13 A. Failure to appear.

14 Q. And you agree that that was your failure to
15 appear on a court date?

16 A. Yes, I agree.

17 Q. Do you know why you didn't appear in court?

18 A. Just afraid.

19 You know, me looking back now or whatever,
20 being 40, compared to -- even looking -- just me and
21 Ferguson has history, bad history, all bad history.

22 Q. And I know you said you were afraid, but you
23 understood at the time not showing up at a court date
24 was -- it was an ordinance violation in the City of
25 Ferguson at that time, right?

1 A. I understand.

2 Q. Okay. So you don't -- you're not
3 contesting -- you're not saying you're not good for
4 the failure to appear charge. That's not what
5 you're --

6 MR. VOSS: Objection. Misrepresenting what
7 she said.

8 QUESTIONS BY MR. PLUNKERT:

9 Q. You're not sitting here today saying that
10 you're disputing that failure to appear charge or that
11 you showed up in court and they didn't know or
12 something like that.

13 You're not doing that, are you?

14 A. No. No.

15 Q. You agree with the charge?

16 A. I agree with the charge, failure to appear.

17 Q. Okay.

18 A. I agree with it.

19 Q. Anything else in the jail conditions other
20 than what you have told me on that specific time?

21 A. Oh, just, you know, the way they treat
22 people, you know. You're speaking up or sneaking out
23 of court. I've done that, too, in Ferguson. Just
24 sitting here reflecting on everything that has
25 happened or whatever, yes. I've went to court, and,

1 like I said, same people being told to step into their
2 side room inside Ferguson's courtroom -- while they're
3 paying fines or not paying fines or waiting to be
4 seen, and right after they pay fines, they're being
5 told to step off into that side room where there is
6 another Ferguson police officer waiting on you to tell
7 you you're under arrest for failure to appear for
8 another municipality.

9 And, like I said, fair, who wants to go to
10 jail? Because when I go, I'm sitting for a while. I
11 have multiple tickets, multiple warrants, so I'm going
12 to be there.

13 And dealing with Ferguson, as I said, it was
14 always Ferguson that held me the longest. Always.

15 Q. And I know -- I think you're talking about
16 dates before 2010, right?

17 A. Yes.

18 Q. Okay. What conversations, other than the one
19 you've already told me about, have you had with
20 Judge Brockmeyer from 2010 to the present?

21 A. There's been other times that I haven't
22 failed to appear or whatever. Like just thinking back
23 on long experiences and Ferguson jail, and it's like,
24 you know what, I'm going to go to court. They tell
25 you to come to court.

1 Q. Is that first sentence in paragraph 30, is
2 that true or false?

3 Or we'll say, is it false?

4 A. Is what false?

5 Q. The first sentence in paragraph 30 of the
6 amended complaint.

7 A. I'm going to say -- I'm going to say false.

8 Q. Okay.

9 A. That's tricky.

10 Q. I see a reference in paragraph 32 about
11 50 days in jail in reference to your father's funeral.

12 And that was all predating 2010, wasn't it?

13 A. Yes, it was. Yeah, it counts. To me it
14 counts. Maybe not to them, but it counts to me.

15 Q. When you saw that -- when you saw
16 Judge Brockmeyer in February of 2014, did he ever ask
17 you -- did he say, "Can you pay this today?"

18 A. Yes. "How much money do you have?"

19 MR. VOSS: Objection. Misstates some of the
20 record and testimony in terms of February of 2014.

21 MR. PLUNKERT: March.

22 MR. VOSS: Sorry.

23 MR. PLUNKERT: Yeah, you're right.

24 QUESTIONS BY MR. PLUNKERT:

25 Q. March, after your incarceration.

1 Thanks, MJ.

2 A. It was always, "How much do you have," or,
3 "How much can you pay?" when you faced him.

4 Q. Okay.

5 A. And if you said nothing, "Well, you need to
6 come up with some money."

7 If you said you didn't have any money, he
8 would have you go to the side and sit there, if you
9 weren't being locked up, and wait until the entire
10 court was over with, and then he might give you
11 another court date. But you would have to wait until
12 everybody else there was seen.

13 Q. And if you said that you couldn't pay that at
14 all, he would say -- an option was a payment plan?

15 A. Yes. And an option was a payment plan to
16 what his satisfaction was. Not what you can afford.

17 "I'm giving you a payment plan. You have to
18 pay me \$150 a month." Or, you know, every court date
19 when, you know, you get rescheduled another court date
20 with this bond summons and you come, "Well, your next
21 court date is this day," and you would have to show up
22 at the police station with that money. And if you
23 don't show up at the police station with that money,
24 it's like your money is going up -- you're forfeiting
25 because you're not showing up. It's failure to

1 appear. You forfeit all of your money to the City of
2 Ferguson.

3 Q. You agree that the judge was sentencing you
4 to a fine, right?

5 A. No. No. I mean, if you're saying you're the
6 judge and this is the judge and he's saying, "I want
7 you to work out a payment plan," a payment plan is
8 something you can afford.

9 Q. To pay off a fine?

10 A. To pay off a fine.

11 Q. That the judge sentenced you to?

12 A. Yeah.

13 Q. Okay.

14 A. He's not going to sentence you to, "Okay.
15 This is what you pay."

16 If you want me to pay you, okay, I should
17 pay you something that I can afford to give you.

18 You can't just say, "Pay me this amount, and
19 this is what you owe me."

20 I mean, you are the judge, but I can't
21 guarantee I'm going to have that amount to give you
22 every month.

23 Q. And you agree that the judge, from time to
24 time, as you said, would put an option before you that
25 you can use a payment plan of \$150 per month, for

1 acceptable. Your payment must be in our office before
2 4:30 on the first Friday of the month. Any late
3 payments are subject to additional fines and/or
4 warrants being issued for your arrest."

5 Q. And then there is a handwritten note here
6 that says what there?

7 A. "Due before 6/6 -- June 6th of 2014, \$100."

8 Q. And then it says the balance?

9 A. "The balance is \$777."

10 Q. Okay. And again, you testified that you
11 received that when you left the jail after being
12 released?

13 A. Yes.

14 Q. Correct?

15 And then in your -- in the complaint that
16 was filed, which here is a reference to Exhibit 57,
17 paragraph 30, you were asked earlier whether or not it
18 was a true or false statement that the jail staff told
19 you that you should not go to court and you did not
20 have any future court dates.

21 At the time that this was filed in April
22 of 2013, was it your belief that you were not supposed
23 to go to court based on the documents provided to you?

24 A. It was in my belief that I was not supposed
25 to go to court.

1 MR. PLUNKERT: Objection. Speculation.

2 But go ahead.

3 MR. VOSS: Okay. She can testify to her own
4 recollection.

5 Anyway, understood.

6 QUESTIONS BY MR. VOSS:

7 Q. Back on paragraph 26, again, this was filed
8 in April of 2016, amended complaint.

9 This paragraph didn't change from the
10 initial filing in February of 2015; is that correct?

11 A. Correct.

12 Q. Okay. And in it it says, "When she arrived
13 in Ferguson city jail, the staff told her the release
14 amount was \$1,400. They told her that she would be
15 held indefinitely until she paid."

16 And it says, "After three days, Ferguson
17 jail staff came and informed her that they had decided
18 to let her out for free."

19 You were questioned about whether or not
20 this period of time when you were arrested and
21 transferred from Maryland Heights, whether or not it
22 really added up to three days, correct?

23 A. Yes.

24 Q. And it looks like you were -- again, it's
25 going to be in -- I don't know the exhibit number for

1 Q. Because it had happened to you in the past --

2 A. Yes.

3 Q. -- if you didn't have the money to pay?

4 A. If I didn't have the money to pay.

5 Q. Okay. And through this same period from 2010
6 to 2014, the testimony has reflected that you've had
7 fairly unstable work and housing environment?

8 MR. PLUNKERT: Let me object on the form.

9 You can answer.

10 THE WITNESS: Yes. Yes.

11 QUESTIONS BY MR. VOSS:

12 Q. You also testified that while you had spent
13 time in jail during this time period from 2010 to
14 2014, that the jailers would bargain or negotiate with
15 you, correct?

16 A. Yes.

17 Q. And there specifically was one about a deal
18 about posting a thousand dollar bond in 2014?

19 A. Yes.

20 Q. And you believe that your bond at that point
21 in time was set at \$1,800; is that correct?

22 A. Yes. I think it was closer to, you know,
23 2,000 than it was to a thousand because, you know, he
24 was like, that's -- you know, I remember him saying,
25 "That's almost half of what it is," you know.

1 "Something is better than nothing."

2 Q. And so the individual came -- your sister
3 came with the money, correct?

4 A. Yes, my sister.

5 Q. Where did she go to post the money?

6 A. She came to Ferguson jail that night.

7 Q. So she gave the money to the police officer
8 there?

9 A. Yes, she gave it to the police officer there.

10 Q. Okay. And then you were promptly released?

11 A. I was released right away.

12 Q. Do you believe it's a necessity to have a car
13 in St. Louis?

14 MR. PLUNKERT: Object to the form and
15 foundation.

16 You may answer.

17 THE WITNESS: Honestly, no, I don't believe
18 it's a necessity to have a car in St. Louis. I
19 believe that for an individual such as myself with
20 nine children, yes, it's a necessity for me to have a
21 car.

22 With it being cold as it is, I have to take
23 them out, you know. I have kids that are in
24 extracurricular activities, cheerleading, dancing,
25 swimming, swim meets, that I try to attend.